

State of South Carolina Treasurer's Office



Converse A. Chellis III
South Carolina State Treasurer



SC STATE TREASURER'S OFFICE

A Review of the Collection and Distribution of the State's Share of Court Revenues

Paige Parsons
Assistant State Treasurer
Phone (803) 734-9822
Fax (803) 734-2690
Email: paige.parsons@sto.sc.gov

Marty Woods
Fiscal Analyst
Phone (803) 734-2657
Fax (803) 734-2161
Email: marty.woods@sto.sc.gov

SC STATE TREASURER'S OFFICE

A Review of the Collection and Distribution of the State's Share of Court Revenues

Note:

Links to contact email
addresses as well as to all
forms mentioned herein are
available on the page
through which this
presentation was accessed.

Introduction

The State Treasurer:

- Receives the state's share of court revenue collected by local governments,
- Distributes this revenue to state agencies,
- Reviews local government's annual reports detailing the collection and distribution of their court revenue collections,
- Compares these reports to the State Treasurer's records,
- Prepares reports for various third parties

Collection and Distribution of Court Revenue

Table of Contents

- A Brief history of court revenue
- Current distribution schedule
- Treasurer's Remittance Form
- ACH Debit Payment Option
- ACH Debit Authorization Form
- Appendix - Code Sections 14-1-206, 207 and 208 - Annual audits

A brief history

- In 1994 the state legislature attempted to simplify the state codes regarding court revenues.
- In January 1995, when the amended code went into effect, the legislature replaced a number of individual fees with a single court assessment to be added to existing fines.

A brief history (continued)

- In 1997 the legislature
 - Increased the assessment rates and
 - Added assessments and surcharges.
- In 1998 the legislature
 - Increased municipal court assessments and
 - Required local treasurers to report assessments and surcharges retained for victim's services to the State Treasurer.

A brief history (continued)

- In 1999 the legislature required local government annual independent audits to include:
 - A review of the accounting controls, and
 - A supplementary schedule for court revenues.
- In 2000 the legislature
 - Increased the scope of the supplementary schedule, and
 - Increased municipal court assessments
- In 2001 the legislature
 - Added a \$100 DUI surcharge per court, and
 - Increased marriage license fees \$20.

A brief history (continued)

- In 2002 the legislature
 - Increased the general, magistrate and municipal court assessments.
 - Raised the public defender application fee.
 - Increased the filing fee for civil cases from \$70 to \$100.
 - Increased the collection costs for child and spousal support from 3% to 5% of the support paid.
 - Required a \$25 fee for every motion made in the court of common pleas and family court.

A brief history (continued)

- In 2003 the legislature:
 - Added \$100 to each fine imposed for violations of DUI or DUI Per Se in general sessions, magistrate or municipal courts.
 - Assessed a \$40 fee for each motor vehicle owned by or registered to persons convicted of a 2nd or subsequent violation of Section 56-5-2930, 56-5-2933 or 56-5-2945 imposed in general sessions court.
 - Added \$200 to any fine imposed for a violation of a 3rd offense of DUI or DUI Per Se in general sessions court.

A brief history (continued)

- In 2003 the legislature also:
 - Added a \$100 surcharge on all monetary penalties imposed on misdemeanor or felony drug offenses in the general sessions, magistrate or municipal courts.
 - Added a \$25 surcharge on all monetary penalties imposed on misdemeanor traffic or for non-traffic offenses in the general sessions, magistrate or municipal courts.

A brief history (continued)

- In February 2004, the legislature:
 - Amended Section 56-1-460, increasing the fines imposed pursuant to this section by \$100 and stipulating that the \$100 increase be remitted by the three courts to the state to be used by the Department of Public Safety for the Highway Patrol.

A brief history (continued)

- In 2004 the legislature also:
 - Made provisions for funding Assessment Audits and for annual training on collection and distribution of fines, fees and assessments (Proviso 72.92).
 - Added a \$25 filing assessment on all summons and complaint filings in magistrate court and a \$10 filing assessment on all other civil filings in magistrate court except on restraining orders (Proviso 72.100).
 - Increased Family and Circuit Court filing fees by \$50 (Proviso 73.13).

Collection and distribution schedule

The Treasurer's Office has prepared a collection and distribution schedule for court revenues that includes:

1. The type of fine, fee, surcharge or assessment generating the revenue.
2. The applicable court/courts.
3. The code section related to that particular fine, fee, surcharge or assessment.
4. The percentage of revenue remitted to the state or retained by the municipality.
5. The state agency/(agencies) receiving a distribution of the revenue and the percentage received.

FINES AND FEES

- **Public Defender Application Fees;** Code Section 17-3-30; 100% to state distributed 100% to Office of Indigent Defense
- **Body Piercing Violation \$2,500;** Code Section 44-32-120; 100% to state distributed 100% to DHEC
- **Marriage License Fee (additional \$20);** Code Section 20-1-375; 100% to state distributed 100% to DSS Domestic Violence Fund
- **Bond Estreatment;** Code Section 17-15-260; 25% to county, 25% to municipality (if originated there), 25% to Solicitor, 25% to state distributed:
 - 99 % to State General Fund
 - 1 % to State Treasurer

FINES AND FEES

(Continued)

- **Circuit/Family Court Motion Fee - \$25; Code Section 8-21-320; 100% to state distributed:**
 - First \$300,000 to Prosecution Commission (Proviso 72.71)
 - Remainder - 100% to Judicial Department
- **Family Court Alimony/Child Support Fee; Code Section 14-1-203; 56% to county; 44% to state distributed:**
 - 43.32% to State General Fund
 - 40.00% to Judicial Department
 - 10.04% to Mental Health Dept.
 - 6.20% to Victims Assistance
 - .44% to State Treasurer

FINES AND FEES

(Continued)

- **Circuit/Family Court Fines, Fees and Revenues (other than Section 8-21-310(11)(a); Code Section 14-1-205; 56% to county; 44% to state distributed:**
 - 72.20% to General Fund
 - 16.73% to Mental Health Dept.
 - 10.34% Victims Assistance
 - .73% to State Treasurer
- **Circuit/Family Court Filing Fee (Section 8-21-310(11)(a); Code Section 14-1-204; 44% to county; 56% to state distributed:**
 - 31.20% to State General Fund
 - 30.00% to Judicial Department
 - 26.78% to Indigent Defense
 - 7.23% to Mental Health Dept.
 - 4.47% to Victims Assistance
 - .32% to State Treasurer

FINES AND FEES

(Continued)

- **Circuit/Family Court Filing Fee - \$50 increase;** Proviso 73.13; 100% to state distributed:
 - 67.96% to Judicial Department
 - 14.56% to Indigent Defense
 - 11.30% to Probation & Parole
 - 4.37% to Prosecution Comm.
 - 1.81% to Appellate Defense
- **Magistrate Filing Assessment - \$25 (Summons and Complaint filings);** Proviso 72.100; 100% to state distributed 100% to Judicial Department
- **Magistrate Filing Assessment - \$10 (Civil filings);** Proviso 72.100; 100% to state distributed 100% to Judicial Department

DUI/DUS/BUI – ASSESSMENTS; SURCHARGES AND PULLOUTS

- **BUI (Boating Under the Influence);** Code Section 50-21-114; 100% to state distributed:
 - 99% to State General Fund
 - 1% to State Treasurer
- **DUS DPS \$100 Pullout;** general sessions, magistrate, and municipal courts; Code Section 56-1-460; 100% to state distributed 100% to SCDPS for the Highway Patrol
- **DUI \$12 Assessment;** general sessions, magistrate, and municipal courts; Code Section 56-5-2995; 100% to state distributed:
 - 84% to Department of Disabilities and Special Needs
 - 16% to DHEC

DUI/DUS/BUI – ASSESSMENTS; SURCHARGES AND PULLOUTS (Continued)

- **DUI \$100 Surcharge;** general sessions, magistrate, and municipal courts; Code Section 14-1-211; 100% to state distributed 100.00% to MUSC for Spinal cord injury research
- **DUI DPS \$100 Pullout;** general sessions, magistrate, and municipal courts; Code Section 56-5-2940/2945; 100% to state distributed 100.00% to DPS for Highway Patrol
- **DUI DPS \$40 Auto fee;** general sessions court; Code Section 56-5-2942(J); 100% to state distributed 100.00% to DMV for Highway Patrol
- **DUI SLED \$200 Pullout - 3rd offense;** general sessions court; Code Section 56-5-2940; 100% to state distributed 100.00% to SLED to offset costs of the datamaster, breath testing site video program, etc.

SURCHARGES

- **\$100 DRUG Surcharge;** general sessions, magistrate, and municipal courts; Proviso 33.7; 100% to state distributed 100.00% to Prosecution Commission

SURCHARGES (continued)

- **\$25 LAW ENFORCEMENT Surcharge;** general sessions, magistrate, and municipal courts; Proviso 73.3; 100% to state distributed:
 - First \$40,000 to State Treasurer
 - 37.75% to Prosecution Commission
After first \$3,985,600 distributed:
 - \$2,989,200 (75%) to DPS
 - \$996,400 (25%) to Judicial Department
 - 22.10% Juvenile Justice
 - 15.00% SLED
 - 15.00% Corrections
 - 3.75% Attorney General's Office
 - 3.75% Judicial Department
 - 1.55% Natural Resources
 - 1.00% Appellate Defense
 - .10% Forestry Commission

OTHER ASSESSMENTS

STATE SHARE

- **General Session Assessment;**
Code Section 14-1-206; 107.5% of fine per Proviso 35.11; 35.35% to county; 64.65% to state distributed:
 - Per Proviso 72.92:
 - First \$10,900 to fund audits
 - Second \$2,000 for annual local government training
 - 42.08% Probation & Parole
 - 14.74% DPS - criminal justice training
 - .45% to DPS - Hall of Fame
 - 14.46% Office of Indigent Defense
 - 11.83% Office of Victim Assistance
 - 15.39% State General Fund
 - .16% State Treasurer's Office
 - .89% Attorney General's Office

OTHER ASSESSMENTS

STATE SHARE (Continued)

- **Magistrate Assessment;** Code Section 14-1-207; 107.5% of fine per Proviso 35.11; 11.16% to county; 88.84% to state distributed:
 - Per Proviso 72.92:
 - First \$ 136,600 to fund audits
 - Second \$5,000 for annual local government training
 - 32.36% Probation & Parole,
 - 20.72% DPS - criminal justice training
 - .60% DPS - Hall of Fame
 - 10.49% Office of Indigent Defense
 - 18.82% Office of Victim Assistance
 - 15.93% State General Fund
 - .16% State Treasurer's Office
 - .92% Attorney General's Office

OTHER ASSESSMENTS

STATE SHARE (Continued)

- **Municipal Assessment;** Code Section 14-1-208; 107.5% of fine per Proviso 35.11; 11.16% to municipality; 88.84% to state distributed:
 - Per Proviso 72.92:
 - First \$ 102,500 to fund audits
 - Second \$3,000 for training
 - 14.04% Probation & Parole
 - 13.89% DPS - criminal justice
 - .36% DPS - Hall of Fame
 - 10.38% Office of Victim Assistance
 - 11.53% General Fund
 - .12% State Treasurer's Office
 - 10.56% Office of Indigent Defense
 - .89% Mental Health Dept.
 - .54% Attorney General's Office
 - 1.31% SLED - videotaping
 - 9.16% DPS – videotaping
 - 13.61% Governor's Office
 - 13.61% Juvenile Justice

State Treasurer's Forms

- The State Treasurer provides the following court revenue related forms:
 - **State Treasurer's Court Revenue Remittance Form** – for remitting court revenue due to the state
 - **ACH Debit Authorization Form** – optional method for remitting court revenue by ACH debit
- Note: Links to these forms are available on the page through which this presentation was accessed.

STATE TREASURER'S REVENUE REMITTANCE FORM

This form, along with a narrated review of the fields in this form, is available on the same page from which this presentation was accessed.

ACH Debit Payment Option

Advantages of paying court revenue due to the State Treasurer by ACH debit:

- By choosing this payment option, a city or county treasurer will no longer have to prepare and submit a paper check to the State Treasurer;
- Therefore, you will not have to worry about the check being lost in the mail.
- You can submit your State Treasurer's Remittance closer to the due date.

ACH Debit Payment Option

How To Begin:

- Complete the debit authorization form, available at our website, as well as by a link available on the page through which this presentation was accessed.
- Mail the completed form to the State Treasurer's Office along with a deposit slip or voided check.
- Complete the Monthly Remittance form as usual.
- Mail or fax the remittance form to the State Treasurer's Office so that it is received no later than 5:00pm on the 15th of the month.

ACH Debit Payment Option (continued)

- The State Treasurer will debit your account for the designated amount on or about the 17th of the month.
- The Treasurer's Office will mail a State Treasurer's receipt acknowledging your payment.

State Treasurer's ACH Debit Authorization Form

This form, along with its instructions, is available on the same page from which this presentation was accessed.

Appendix

Code Sections

14-1-206(E), 207(E) and 208(E)

Annual audits

The following code sections list the specific annual audit requirements for court revenues collected by cities and counties.

Note: The State Treasurer is now authorized to refer non compliant cities or counties to the State Auditor.

Appendix

Code Section 14-1-206, 207 and 208(E) - Annual audits

- (E) To ensure that fines and assessments imposed pursuant to this section and Section 14 -1-209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each municipality pursuant to Section 5-7-240 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a supplementary schedule detailing all fines and assessments collected at the court level, the amount remitted to the municipal treasurer, and the amount remitted to the State Treasurer.
- (1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the supplementary schedule must include the following elements:

Appendix (continued)

Code Section 14-1-208(E). Annual audits

- (a) all fines collected by the clerk of court for the municipal court;
 - (b) all assessments collected by the clerk of court for the municipal court;
 - (c) the amount of fines retained by the municipal treasurer;
 - (d) the amount of assessments retained by the municipal treasurer; and
 - (e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section.
- (2) The supplementary schedule must be included in the external auditor's report by an "in relation to" paragraph as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.

Appendix (continued)

Annual audits (continued)

- (3) Within thirty days of issuance of the audited financial statement, the municipality must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the supplemental schedule required in this section. Upon submission to the State Treasurer, the municipality may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the supplemental schedule required in this subsection, not to exceed one thousand dollars each year.

Appendix (continued)

Annual audits (continued)

- (4) The clerk of court and municipal treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the municipal governing body and make those records available for review.

SC STATE TREASURER'S OFFICE

A Review of the Collection and Distribution of the State's Share of Court Revenues

Paige Parsons
Assistant State Treasurer
Phone (803) 734-9822
Fax (803) 734-2690
Email: paige.parsons@sto.sc.gov

Marty Woods
Fiscal Analyst
Phone (803) 734-2657
Fax (803) 734-2161
Email: marty.woods@sto.sc.gov